

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

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ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

SEP - 9 2011

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

September 07, 2011

For rules and forms visit
www.call.uscourts.gov

James N. Hatten
Richard B. Russell Bldg & US Courthouse
75 SPRING ST SW
STE 2211
ATLANTA, GA 30303-3309

Appeal Number: 11-13722-B
Case Style: Ivan Chapa v. USA
District Court Docket No: 1:10-cv-01885-RLV-AJB
Secondary Case Number: 1:05-cr-00254-RLV-AJB-3

Enclosed for filing in your court is APPELLANT'S MOTION TO PROCEED ON APPEAL
IN FORMA PAUPERIS which was received by our court on August 31, 2011.

This document should be filed in your court. Please advise our office when your court has
ruled on this motion by sending an up-to-date copy of your docket sheet, and a certified copy
of the order of your court.

Please acknowledge receipt of this motion on the enclosed copy of this letter.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Melanie Gaddis, B
Phone #: (404) 335-6187

MP-1

If you decide to file this form
Please send it to:

THE UNITED STATES DISTRICT COURT

If you are incarcerated:

You must attach a statement of your
prison account which has been
certified by the appropriate
institutional officer showing all
receipts and balances during the last
6 months

This form is required for submission

FILED IN CLERK'S OFFICE
U.S.D.C. Atlanta

Form 4.

Affidavit Accompanying Motion for
Permission to Appeal In Forma Pauperis

SEP - 9 2011

United States District Court for the NORTHERN District of GEORGIA

A. B., Plaintiff

v.

Case No. 1:05-cr-254-RLV-ASB-5

C. D., Defendant.

JAMES N. HATTEN, CLERK
By: [Signature]

Instructions: Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.

Affidavit in Support of Motion

I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)

Date: 8-29-11 Signed: [Signature]

My issues on appeal are:

1. For both you and your spouse, estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income Source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>4.80</u>	\$ <u>N/A</u>	\$ <u>4.80</u>	\$ <u>N/A</u>
Self-employment	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interests and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>200⁰⁰</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as Social Security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as Social Security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify):	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Total monthly income:	\$ <u>200⁰⁰</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

2. List your employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
McKRE, CORRECTIONAL	P.O. Box 30 McKRE, GA. 31055		4.80

3. List your spouse's employment history, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross Monthly Pay
N/A			

4. How much cash do you and your spouse have? \$ 26⁰⁰

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial Institution	Type of Account	Amount you have	Amount your spouse has
N/A	N/A	\$ NONE	\$ N/A

If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home (Value)	Other Real Estate (Value)	Motor Vehicle #1 (Value)
NONE	NONE	Make & Year: NONE
		Model:
		Registration #:
Other Assets (Value)	Other Assets (Value)	Motor Vehicle #2 (Value)
NONE	NONE	Make & Year: NONE
		Model:
		Registration #:

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
NONE	NONE	NONE

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
NONE		

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate.

	You	Your Spouse
For home-mortgage payment (include lot rented for mobile home)	\$ NONE	\$ N/A
Are real-estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ NONE	\$ N/A
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No	\$ NONE	\$ N/A
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ NONE	\$ N/A
Home maintenance (repairs and upkeep)	\$ NONE	\$ N/A
Food	\$ 100 ⁰⁰	\$ N/A
Clothing	\$ 100 ⁰⁰	\$ N/A
Laundry and dry-cleaning	\$ NONE	\$ N/A
Medical and dental expenses	\$ NONE	\$ N/A
Transportation (not including motor vehicle payments)	\$ NONE	\$ N/A
Recreation, entertainment, newspapers, magazines, etc.	\$ NONE	\$ N/A
Insurance (not deducted from wages or included in mortgage payments)	\$ NONE	\$ N/A
Homeowner's or renter's	\$ NONE	\$ N/A
Life	\$ NONE	\$ N/A
Health	\$ NONE	\$ N/A
Motor Vehicle	\$ NONE	\$ N/A
Other:	\$ NONE	\$ N/A
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$ NONE	\$ N/A
Installment payments	\$ NONE	\$ N/A
Motor Vehicle	\$ NONE	\$ N/A
Credit card (name):	\$ NONE	\$ N/A
Department store (name):	\$ NONE	\$ N/A
Other:	\$ NONE	\$ N/A
Alimony, maintenance, and support paid to others	\$ NONE	\$ N/A
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ NONE	\$ V
Other (specify):	\$ NONE	\$
Total monthly expenses	\$ NONE	\$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid - or will you be paying - an attorney any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No If yes, how much: \$ _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid - or will you be paying - anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No If yes, how much? \$ _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I'VE BEEN INCARCERATED FOR 6 YEARS. HOWEVER I AM WILLING TO PAY THROUGH THE PRISON PAYMENT METHOD.

13. State the address of your legal residence.

P.O. Box 30 MCFAR, GA. 31055

Your daytime phone number: () _____

Your age: 29 Your years of schooling: G.E.D.

Your Social Security number: 638-05-7077

(As amended Apr. 24, 1998, eff. Dec. 1, 1998.)

MCRAE CORRECTIONAL FACILITY

Print Date: 8/16/2011

Print Time: 2:06:54PM

ACCOUNT STATEMENT from 2/1/2011 to 8/16/2011

CHAPA, IVAN DEJESUS

Agency #: 49858179

CCA #: 1280801

HOUSING: G/03/222/L

Account 1: \$ 28.62

Escrow Account: \$ 0.00

Cost Recovery Owed: \$ 0.00

Current Balance Information

Account 1 Transactions

Transaction Date	From	Transaction Code	Amount	Balance	Note
BALANCE AT BEGINNING OF DATE RANGE -				18.94	
02/03/2011		PT Withdrawal	-5.00	13.94	PHONE TIME
02/09/2011		PT Withdrawal	-5.00	8.94	PHONE TIME
02/10/2011		JN Deposit	16.80	25.74	JANUARY WAGES
02/11/2011		MO Deposit	200.00	225.74	Evelia Chapa
@ 02/10/2011					
02/15/2011 COMMISSARY PURCHASE		CO Withdrawal	-192.20	33.54	COMMISSARY SUMMARY POS
02/16/2011 COMMISSARY PURCHASE		CO Withdrawal	-11.25	22.29	COMMISSARY SUMMARY POS
02/16/2011		PT Withdrawal	-3.00	19.29	PHONE TIME
02/18/2011		PT Withdrawal	-3.00	16.29	PHONE TIME
02/18/2011 COMMISSARY PURCHASE		CO Withdrawal	-6.20	10.09	COMMISSARY SUMMARY POS
02/23/2011		PT Withdrawal	-3.00	7.09	PHONE TIME
02/28/2011		MO Deposit	200.00	207.09	TERESA GUAJARDO
@ 02/25/2011					
03/01/2011 COMMISSARY PURCHASE		CO Withdrawal	-130.25	76.84	COMMISSARY SUMMARY POS
03/01/2011		PT Withdrawal	-5.00	71.84	PHONE TIME
03/02/2011 COMMISSARY PURCHASE		CO Withdrawal	-4.00	67.84	COMMISSARY SUMMARY POS
03/04/2011 COMMISSARY PURCHASE		CO Withdrawal	-66.00	1.84	COMMISSARY SUMMARY POS
03/08/2011		WU Deposit	200.00	201.84	LUIS CHAPA

MCRAE CORRECTIONAL FACILITY

Print Date: 8/16/2011

Print Time: 2:06:55PM

ACCOUNT STATEMENT from 2/1/2011 to 8/16/2011

03/08/2011 COMMISSARY PURCHASE	CO	Withdrawal	-61.70	140.14	COMMISSARY SUMMARY POS
03/08/2011	JN	Deposit	15.96	156.10	FEBRUARY WAGES
03/09/2011 COMMISSARY PURCHASE	CO	Withdrawal	-5.25	150.85	COMMISSARY SUMMARY POS
03/16/2011	PO	Withdrawal	-26.00	124.85	POSTAGE
03/16/2011	PT	Withdrawal	-10.00	114.85	PHONE TIME
03/22/2011	PT	Withdrawal	-2.00	112.85	PHONE TIME
03/23/2011	PT	Withdrawal	-2.00	110.85	PHONE TIME
03/25/2011	PT	Withdrawal	-2.00	108.85	PHONE TIME
04/04/2011	PT	Withdrawal	-2.00	106.85	PHONE TIME
04/05/2011 COMMISSARY PURCHASE	CO	Withdrawal	-96.03	10.82	COMMISSARY SUMMARY POS
04/06/2011 COMMISSARY REVERSAL	CRV	Withdrawal	7.40	18.22	COMMISSARY SUMMARY REV
04/06/2011 COMMISSARY PURCHASE	CO	Withdrawal	-5.90	12.32	COMMISSARY SUMMARY POS
04/08/2011	PT	Withdrawal	-10.00	2.32	PHONE TIME
04/08/2011	JN	Deposit	9.60	11.92	MARCH WAGES
04/12/2011	WU	Deposit	200.00	211.92	LUIS CHAPA
04/12/2011 COMMISSARY PURCHASE	CO	Withdrawal	-93.83	118.09	COMMISSARY SUMMARY POS
04/13/2011	PT	Withdrawal	-2.00	116.09	PHONE TIME
04/18/2011	PT	Withdrawal	-3.00	113.09	PHONE TIME
04/19/2011 COMMISSARY PURCHASE	CO	Withdrawal	-53.20	59.89	COMMISSARY SUMMARY POS
04/20/2011	OT	Withdrawal	-5.75	54.14	OTC MEDS
04/20/2011 COMMISSARY PURCHASE	CO	Withdrawal	0.00	54.14	COMMISSARY SUMMARY POS
04/20/2011 COMMISSARY PURCHASE	CO	Withdrawal	-14.68	39.46	COMMISSARY SUMMARY POS
04/26/2011 COMMISSARY PURCHASE	CO	Withdrawal	-31.68	7.78	COMMISSARY SUMMARY POS
05/03/2011	PT	Withdrawal	-5.00	2.78	PHONE TIME
05/09/2011	JN	Deposit	17.64	20.42	April wages
05/10/2011	MO	Deposit	100.00	120.42	Evelia Chapa
@ 05/09/2011					
05/11/2011 COMMISSARY PURCHASE	CO	Withdrawal	-89.63	30.79	COMMISSARY SUMMARY POS

INMATE ACCOUNT SUMMARY

*indicates transaction reversed

Page :

@indicates transaction backdated

MCRAE CORRECTIONAL FACILITY

Print Date: 8/16/2011

Print Time: 2:06:55PM

ACCOUNT STATEMENT from 2/1/2011 to 8/16/2011

05/18/2011 COMMISSARY PURCHASE	CO	Withdrawal	-27.28	3.51	COMMISSARY SUMMARY POS
05/20/2011 COMMISSARY REVERSAL	CRV	Withdrawal	27.28	30.79	COMMISSARY SUMMARY REV
05/27/2011 COMMISSARY PURCHASE	CO	Withdrawal	-10.70	20.09	COMMISSARY SUMMARY POS
06/07/2011	JN	Deposit	9.24	29.33	MAY WAGES
06/08/2011 COMMISSARY PURCHASE	CO	Withdrawal	-17.10	12.23	COMMISSARY SUMMARY POS
06/10/2011	MO	Deposit	100.00	112.23	Evelia Chapa
06/15/2011 COMMISSARY PURCHASE	CO	Withdrawal	-91.58	20.65	COMMISSARY SUMMARY POS
06/16/2011 COMMISSARY PURCHASE	CO	Withdrawal	-17.90	2.75	COMMISSARY SUMMARY POS
07/06/2011	WU	Deposit	100.00	102.75	ADELINA CORTEZ
07/06/2011 COMMISSARY PURCHASE	CO	Withdrawal	-97.48	5.27	COMMISSARY SUMMARY POS
07/07/2011	JN	Deposit	7.56	12.83	JUNE WAGES
07/11/2011	MO	Deposit	120.00	132.83	Evelia Chapa
@ 07/08/2011					
07/13/2011 COMMISSARY PURCHASE	CO	Withdrawal	-131.63	1.20	COMMISSARY SUMMARY POS
08/08/2011 COMMISSARY PURCHASE	CO	Withdrawal	-1.00	0.20	COMMISSARY SUMMARY POS
08/09/2011	JN	Deposit	4.20	4.40	JULY WAGES
08/10/2011	WU	Deposit	200.00	204.40	ADELINA CORTEZ
08/10/2011 COMMISSARY REVERSAL	CRV	Withdrawal	1.00	205.40	COMMISSARY SUMMARY REV
08/10/2011 COMMISSARY PURCHASE	CO	Withdrawal	-176.78	28.62	COMMISSARY SUMMARY POS
SUMMARY OF TRANSACTIONS			9.68		
				28.62	Ending Balance